

REMARKS

New claims 17-20 have been added. Support for the new claims may be found on pages 6 and 7 of the specification. Claims 1-20 are currently pending in the present application. No new matter has been added. Reexamination and reconsideration of the application are respectfully requested.

REJECTION OF CLAIMS 1-4 UNDER 35 U.S.C. 102(b)

Claims 1-4 are rejected under 35 U.S.C. 102(b) for the reasons set forth on page 2 of the Action. Specifically, claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Roberts et al. (US Pat. No. 6,521,916, hereinafter referred to as "Roberts" or "the Roberts reference").

The rejections under 35 U.S.C. 102(b) are respectfully traversed, as applied to the original claims and the new claims, and reconsideration and reexamination of the application is respectfully requested for the reasons set forth herein below.

The Federal Circuit has ruled, "Under 35 U.S.C. §102, anticipation requires that each and every element of the claimed invention be disclosed in the prior art. . . . In addition, the prior art reference must be enabling, thus placing the allegedly disclosed matter in the possession of the public." Akzo N.V. v. United States Int'l Trade Comm'n, 1 USPQ 2d 1241, 1245 (Fed. Cir. 1986), cert. denied, 482 U.S. 909 (1987). [emphasis added.]

Furthermore, the Federal Circuit has held, "Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration." W.L. Gore & Assocs. v. Garlock, Inc., 220 USPQ 303, 313 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984). [emphasis added.]

On page 2 of the Action, elements 14, 16, 35, 36, 38, and 40, col. 15, lines 35-42, and Figure 3 are cited for teaching the device as claimed. However, it is respectfully submitted that the Roberts reference fails to fairly teach or suggest inter alia the following claim limitation: "wherein the first encapsulant is partially comprised of a first percentage of a first light reflecting substance," as claimed in claim 1.

Element 40 of Roberts is cited to disclose the first encapsulant as claimed. However, it is respectfully submitted that element 40 is different from and does not fairly teach or suggest the first encapsulant as claimed because of at least the following reasons. First, glob-top 40 does not appear to have any light reflecting substance as claimed. Second, Roberts describes glob-top 40 as being made from silicone or silastic (see col. 15, lines 36-37). Silicone is generally any of a group of semi-inorganic polymers based on the structural unit R_2SiO , where R is an organic group, and is characterized by wide-range thermal stability, high lubricity, extreme water repellence, and physiological inertness. "Silastic" is a portmanteau of "silicone" and "plastic" and is generally described as a flexible inert silicone rubber. Neither silicone nor silastic can be considered to be materials that have a light reflecting substance. Consequently, glob-top 40 does not fairly teach or suggest a "first encapsulant partially comprised of a first percentage of light reflecting substance," as claimed. Moreover, other materials (e.g., epoxy, urethane, polymer material, etc.) mentioned in col. 15, lines 39-42, also do not fairly teach or suggest a "first encapsulant partially comprised of a first percentage of light reflecting substance," as claimed.

Consequently, it is respectfully submitted that the Roberts reference fails to fairly teach the device as claimed. Furthermore, the dependent claims incorporate all the limitations of independent claims 1. In this regard, the dependent claims also add

additional limitations, thereby making the dependent claims a fortiori and independently patentable over the cited references.

In view of the foregoing, it is respectfully submitted that the Roberts reference fails to teach or suggest the circuit and method as claimed. Accordingly, it is respectfully requested that the claim rejections under 35 U.S.C. section 102(b) be withdrawn.

REJECTION OF CLAIM 14 UNDER 35 U.S.C. 103(a)

Claim 14 is rejected under 35 U.S.C. 103 for the reasons set forth on pages 3-4 of the Action. Specifically, claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over by Roberts et al. (US Pat. No. 6,521,916, hereinafter referred to as "Roberts" or "the Roberts reference").

The Action states on page 4 that "although Roberts does not claim a method of constructing a LED, the steps set forth in claim 14 are considered the obvious method for constructing the LED shown in FIG. 3 of Roberts et al."

The rejections under 35 U.S.C. 103 are respectfully traversed, at least insofar as applied to the original claims and the new claims, and reconsideration and reexamination of the application is respectfully requested for the reasons set forth hereinbelow.

As advanced previously, it does not appear that Roberts fairly discloses a "first encapsulant partially comprised of a first percentage of light reflecting substance," as claimed. In this regard, it is respectfully submitted that it would not be obvious to arrive at the specific limitations recited by the method for constructing a LED device as set forth in claim 14 by reviewing Roberts' disclosure.

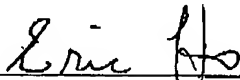
In view of the foregoing, it is respectfully submitted that the Roberts reference, fails to teach or suggest the method as claimed. Accordingly, it is respectfully requested that the claim rejections under 35 U.S.C. Section 103(a) be withdrawn.

ALLOWABLE SUBJECT MATTER

Applicant graciously acknowledges the allowable subject matter as noted in paragraph 7 of the Action on page 4. However, it is respectfully submitted that the cited references do not fairly disclose the invention as claimed by the broader claims that are pending herein (e.g., the independent claims).

For all the reasons advanced above, it is respectfully submitted that the application is in condition for allowance. Reexamination and reconsideration of the pending claims are requested, and allowance is earnestly solicited at an early date. The Examiner is invited to telephone the undersigned if the Examiner has any suggestions, thoughts or comments, which might expedite the prosecution of this case.

Respectfully submitted,

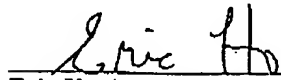


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I hereby certify that this paper is being facsimile transmitted to the U.S. Patent and Trademark Office (fax no.: 571-273-8300) on the date below.



Eric Ho (RN 39,711)

Nov. 11, 2005
(Date)